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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

BETTY JOHNSON, on behalf of herself,
and as a representative of a class of
similarly-situated persons,

Plaintiff,

v.

ARNOLD I. PALACIOS, Governor of
the Commonwealth of the Northern
Mariana Islands (“Government”), *et al.*,

Defendants.

CIVIL CASE NO. 09-00023

**REQUEST FOR APPROVAL OF
SETTLEMENT REPAYMENT PERIODS**

The Trustee of the NMI Settlement Fund (“Settlement Fund”), by and through counsel, submits this Request for Approval of Settlement Repayment Periods.

On December 21, 2021, the Court appointed the Honorable Daniel Collins, U.S. Bankruptcy Judge for the District of Arizona, as the mediator for Settlement Fund administrative appeals pursuant to the NMI Settlement Fund Appeal Rules and Procedures. *See* Order, ECF No. 813 at 2. The Settlement Fund has settled eight cases that require the Court’s approval of the settlement repayment term, which exceed the two-year limitation set forth in 1 CMC § 8390(b). Section 8390(b) states as follows:

(b) Unless fraud, misrepresentations or concealment of material information was involved in connection with an overpayment, an amount of no more than 50 percent of any benefit to be paid in any benefit period may be withheld and offset against previous overpayments.

In his discretion, the administrator may authorize a lesser percent of annuity to be withheld, taking into consideration the financial condition of the annuitant, provided that such overpayment can be recovered within two years.

Id. (emphasis added). Of the eight cases, five were settled outside mediation and three were settled with the assistance of the mediator. The Settlement Fund continues to work towards settling and resolving other cases through pre-mediation meetings and mediation conferences. *See* Report of the Trustee Combined Second Quarter FY 2022 through Fourth Quarter FY 2022 (ECF No. 842 at 25-26).

Based on the financial condition of the appellants, as discussed by the parties before and during the pre-mediation and mediation process, and as set forth in financial declarations provided to the Settlement Fund, the Settlement Fund agreed to the settlement repayment term, subject to this Court's approval. Therefore, we request that the Court approve the settlement repayment periods as detailed in **Exhibit A**.

Respectfully submitted this 2nd day of January 2025.

NMI SETTLEMENT FUND

/s/

NICOLE M. TORRES-RIPPLE

Attorney for the NMI Settlement Fund